

**LEGISLATIVE SERVICES AGENCY  
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**FISCAL IMPACT STATEMENT**

**LS 7577**

**BILL NUMBER:** HB 1550

**NOTE PREPARED:** Jan 9, 2003

**BILL AMENDED:**

**SUBJECT:** Electioneering at Polls.

**FIRST AUTHOR:** Rep. Frenz

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill defines "electioneering" by identifying specific acts that constitute electioneering. It expands the area at the polls within which electioneering may not occur on election day and provides that a person who parks a motor vehicle bearing campaign signs or bumper stickers within one hundred (100) feet of the entrance to the polls during the time the person is voting does not engage in electioneering.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** Under current law, among other provisions, it is a Class D felony to knowingly electioneer within 50 feet of a polling place. The bill would increase this distance to 100 feet and add areas on the property that voters pass through to access the polls. It would exempt from a Class D felony a person who parks a motor vehicle bearing campaign signs or bumper stickers within 100 feet of the polling place while the person is voting. To the extent that more areas would be included in the Class D felony, the number of offenders convicted of the crime could increase. However, the exclusion of certain situations may mitigate the effect.

A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class D felony is \$10,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:** Department of Correction.

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:** Indiana Sheriffs Association, Department of Correction.

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